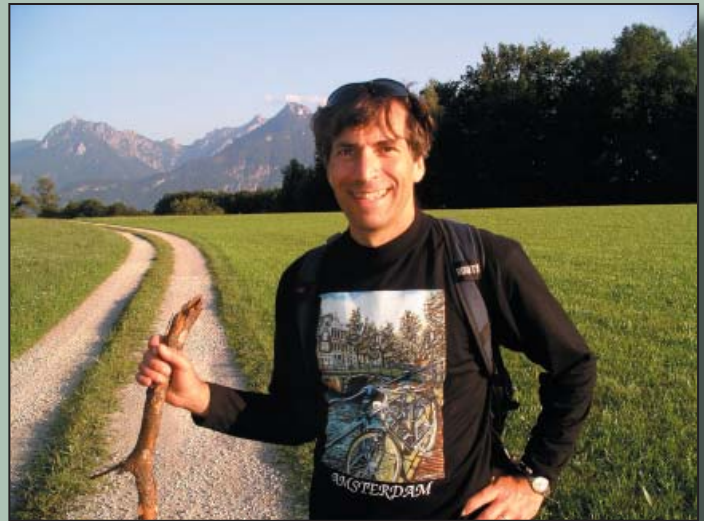


DAVID A. BRICKLIN

David Bricklin is a partner in the Seattle law firm of Bricklin Newman Dold LLP. His practice emphasizes environmental, land use, and community issues.

David received his undergraduate degree from Michigan State University. He is a graduate of the Harvard Law School where he was a co-founder and editor of the *Harvard Environmental Law Review*. He has practiced environmental and land use law throughout Washington State since 1979.

David was closely involved in the development of the Washington Growth Management Act. David is a past president and director of the Washington Environmental Council, former co-chair of the Washington Conservation Voters, and a founding member and director of Futurewise (formerly 1000 Friends of Washington).



Interview with:	David Bricklin
Date:	August 23, 2005
Interviewed by:	Diane Wiatr
Transcribed by:	Brian McConaghy
Total number of tapes:	1
Tape 1, Side 1	

Diane Wiatr: This interview with David Bricklin is about the history of Washington State's Growth Management Act (GMA). The date is August 23, 2005, and the interview is taking place at the office of Bricklin Newman Dold in Seattle. My name is Diane Wiatr, and I will be interviewing David Bricklin today.

Diane: What interest did the Washington Environmental Council (WEC) have in land use planning and growth management before the GMA was passed in 1990?

David Bricklin: Well, the Washington Environmental Council had been around for 20 years by that time and had been focused on a wide variety of environmental issues and land use is very much an environmental issue. How we use our land affects our transportation systems, affects air pollution, wetlands, streamside protection, just about everything under the sun is impacted by the way we use our land. The Washington Environmental Council in one form or another had been involved in land use issues from its inception. One of WEC's first efforts was pushing the citizen initiative that created the Shorelines Management Act. That law is a land use law—focused on the uses of land along lakes, streams, and marine waters. It was a natural progression from there to work on a land use law of general applicability.

Diane: The Washington Environmental Council had been lobbying on environmental issues for 20 years. Is that correct?

David: Yes. The Washington Environmental Council dates back to the wave of environmentalism that lit up, if you will, back in the late 1960s and early 1970s—the first Earth Day in 1970, the Cuyahoga River catching on fire—notable events like that spawned not just the national environmental movement as we know it today, but

also state and local environmental movements. I wasn't here at the time, but Tom Wimmer and Joan Thomas and others were here from the beginning working on environmental issues in Washington State with Dan Evans, who was the Governor at the time, on some of the most notable achievements here.

The State Environmental Policy Act (SEPA) was adopted, the Clear Air Act at the state level was adopted, and the Shoreline Management Act was the result of an initiative by the Washington Environmental Council and others. So, yes, the group had been working on these issues since its inception in 1970.

Diane: What put growth management onto the WEC's radar screen?

David: Well, in the late 1980s there was a large building boom in Washington State, particularly in the Puget Sound region and with that came a lot of new problems. There was a loss of lots of open space in communities all around the state. Green hillsides all of a sudden were stripped bare and covered with homes and roads. Forests were being mowed down, and there was a lot of clear cutting. And there were traffic jams where people had never before had traffic jams. I mean, it's kind of hard to roll back the clock right now in 2005, but 20 years ago there weren't really significant traffic jams on I-5, let alone on every other road in the metropolitan area.

And so we were just getting to the point, as a region, where we were outstripping the transportation facilities in a big way in this region. And the additional growth really was noticeable and it also was taxing other infrastructure. The school systems were another area where there were a lot of complaints. Kids were going to school in portables and over-crowded schools. They complained about fire and police service. Too much development in rural areas with ill-maintained septic systems creating problems in the bays around Puget Sound and so forth. So it manifested itself in a lot of ways and very much gave rise to a populist movement of, "We've got to do something about this. The people in control aren't doing anything."

Diane: What role did you play in the passage of the GMA?

David: I was the president of the Washington Environmental Council at the time and we were central to a coalition that worked to push the Legislature to adopt the legislation. The short story is that the Legislature in 1990, after a lot of lobbying by us and others, adopted a law that was kind of the beginning of GMA. We were dissatisfied with that—let's say it had not nearly gone far enough. We used the threat of an initiative to push the legislation as far in our direction as we could. The threat of an initiative was made more credible by the success of the toxics initiative, Initiative 97, that we had run two years earlier. At the end of the legislative session, our coalition was faced with a tough choice. The legislation was far from what we had pushed for, but then you never get everything you want in any legislation. So, was it good enough? Close enough? That was a tough judgment. Eventually, in a very close vote, we decided to go forward with Initiative 547.

Legislators responded to the initiative by making a promise to the public that they would pass another bill the following year to finish the job on the growth management law. In fact, they went so far as to get a letter promising that signed by the majority and minority leaders of both the House and the Senate, the so-called "Four Corners" letter.

The initiative went down to defeat; it wasn't very close. I think a major reason for it was that a large portion of the public was willing to believe the legislators' promises that they were going to act the next year. We were dubious that they really would do much in the '91 session that they weren't willing to do in the '90 session. So on Election Night, as the results came in and the TV cameras were on, I held up the Four Corners letter and emphasized that the legislators had promised the public they would act the next year and we were going to hold them to it—and expected the press and the public to hold them to it, too.

In terms of my personal involvement, I was in the middle of all of that. I was one of the few lawyers involved and my practice emphasized land use law, so a lot of the drafting of the initiative fell to me, though it all was based on the direction of the larger group. But the group would say something like, “We need to deal with traffic and we heard that Florida has a law that deals with that,” and it would be left to me to find that Florida law and adapt it to our situation. That’s exactly how we developed the transportation concurrency concept that made its way into our GMA. But then we took that one better, and applied those concurrency concepts to the whole range of public facilities and services.

I also was very involved in the lobbying of the 1990 legislature. I was down in Olympia often. In fact, I remember a Sunday when I had a rare break and was about to enjoy a barbeque with some friends when I was summoned by the Governor to come to a meeting that evening in Olympia to try to work out some piece of the legislation. It was very intense. Then, when the I-547 campaign was underway, I was the co-chair and participated in countless debates and meetings with editorial boards and all the strategizing with the political consultants.

I wasn’t so involved in the 1991 legislation. After the defeat of the initiative, I was a bit of a *persona non grata* in Olympia.

Diane: What were you hoping to achieve with Initiative 547?

David: We were hoping to achieve a much stronger growth management law than what the Legislature had adopted in 1990. There were a variety of deficiencies in that initial enactment, not the least of which was there was no enforcement mechanism. You can create all the finest requirements for local governments to use in planning for growth, but locals are very susceptible to intense economic pressures at the local level. There are very entrenched political forces there intent on doing things just as they’ve always done. So it was critical that there be some oversight at the state level to assure that the locals really did what the new law required. In Oregon, which served as our model for lots of our proposals, every county and city plan and regulation is reviewed by a state agency to assure that it complies with the state law. The development community and the local governments were very opposed to giving that role to the state.

During the 1990 legislative session and in the initiative, we pushed a compromise. We proposed state appeals boards that would review local plans but only if someone appealed them. So if there was no appeal, the plan adopted by the city or county would take effect with no state review. But if someone appealed, the state board would review it and there would not be a great burden on the party challenging to win the appeal. It was pretty much evenly weighted. The legislation in ‘90 didn’t include any enforcement mechanism. That was probably the biggest issue. But there were lots of others. In virtually every area, the bill we had tried to pass had been weakened or watered down in one way or another. So running the initiative was a way to try to restore the integrity of the bill we had started with, or at least something close to it.

Diane: What were you hoping to achieve with I-547?

David: Okay, so that was just after the 1990 legislation.

Diane: Just after 1990.

David: Right, as I was saying, at that point the Legislature had not yet adopted any kind of enforcement scheme so there was only a watered down version of our proposal directing counties and cities to do some planning. But there was no mechanism to determine, to check, whether that new planning was being done by the counties and cities. Even before the GMA, if the cities and counties wanted to do good planning, there was nothing

stopping them from doing it. There's no law that prohibited them from doing good planning and yet they hadn't been doing it, which was understandable given the economic and political pressures at the local level. So there was not a lot of confidence on our part that simply because they were now told to do good planning that they would actually get the job done.

There were, beyond that, any number of items that differed between what the Legislature had passed in 1990 and what we sought to achieve and was later included in 547. We would have revised the vesting doctrine in the state so that applications didn't vest, but rather allowed local governments to modify zoning and other development regulations so that they would apply to pending applications. We had stronger language about protecting the environment, about restraining sprawl, broader allowance for use of impact fees, better protection for forestlands and farmlands. I mean just go down the list—virtually everything in the initiative was addressed in the new legislation, but in a generally—from our perspective, in a watered-down way.

Diane: Why do you think that I-547 failed?

David: Well, I think a major issue is the one I mentioned before which was that we were confronted with legislators—a formidable bank of legislators, across party lines, coming forward to the public and saying, “We haven't finished the job, we're willing to go back and do more next year, give us another chance.” And that's a difficult message to defeat... That's an attractive middle ground position and a lot of folks opt for the middle. And so here was a large group of people in the middle who haven't been following the details of the issue that closely and aren't sure which way to go, and they say, “Well, the Legislature said they're going to go back to it, let's see what they do next year.”

There was also the issue of money. We were heavily outspent. I don't remember the numbers anymore, but you had the whole development and timber industries and lots of other folks with a lot of money. I think we may have erred in putting too much in the initiative and trying to cover too many things. A lot of people think that. I'm not sure that that's the case. If we didn't have both established parties and all the moneyed interests against us, I don't know that the broad scope of the initiative would have hurt us so much. On the other hand, the broad scope of the initiative may have increased the intensity of the campaign against us. Not that all those groups wouldn't have been against us anyway; just that they may not have devoted so much effort if we hadn't been trying to accomplish so much.

Diane: How did I-547 affect the GMA?

David: I-547 really pushed the Legislature to take action the following year. On election night when I had my 45 seconds on television around the state, we used it not to look backwards, but to look forwards. And I held up the letter on television that had been signed by the Four Corners—the majority and minority leaders of the state Senate and House—and held it up on television and said, “They promised to act next year, we're going to hold them to that promise.” And so that was our watchword from election night on and so I think 547 was very instrumental in making sure that there really was a second part to the GMA passed the following year. We'll never know, of course, and you can't unwind it and say, “Well, if you hadn't run the initiative would they have come through anyway?” Well, maybe yes, maybe no, but we didn't think it would have happened without an initiative. Running the initiative and getting those very public commitments from the Republicans and Democrats in both the Senate and House made it easier to make sure that it happened the following year.

Diane: What was the political climate that led to the passage of the GMA?

David: At the popular level, it's what I mentioned before, that the general public was very frustrated with all

the problems that we associated with rapid growth—loss of... open space and farmlands and hillsides that had been covered with forest and now were subdivisions, the traffic, schools being overcrowded and all the rest of it. So there was that groundswell.

At the legislative level, we had some legislators there in leadership positions who were favorably inclined to do something right. We did not have a Legislature that was beholden to development interests and so we had an opportunity with some of the legislators, some of the key legislators, to get some good things done. But it's not like we had any "true believers" if you will. There was nobody who had campaigned to win their office—governor or speaker of the house or committee chairs or anybody else who had campaigned on the platform of, "I want to do something about urban sprawl and I want to do something about growth management." I mean this was not the issue that any of them had come to serve the public about. So we didn't have that kind of leadership, but we did have folks who, while it wasn't their number one issue, it was an issue they were supportive about and with the groundswell of public support they were able to do some good things.

Diane: When WEC came to the table, prior to the I-547 when the first Growth Management Act was being created in 1990, what concessions were made for you?

David: You know, at this point I don't remember the details. It was a very long lobbying legislative session. A lot of it was the nitty-gritty of one word for another and all you have to do is read a state Supreme Court or Court of Appeals decision these days and see how they interpret the GMA and how they focus on the individual words that are used. And you realize, as I realized then as a lawyer, how important it was as to the exact words that were used. A lot of people were talking about concepts and the need to reign in urban sprawl—the general provisions. But having general provisions was one thing, the actual wording of the statute is critical to how it's actually going to be implemented, and so a lot of the horse-trading and negotiating was about the words that were being used. If you give me a second here, I could take a look and maybe give you an example. Maybe I should have the GMA language to parallel it, and I-547 and the GMA have goals about protecting critical areas, but 547's goal was in part to "prevent further loss and in the long-term restore wetlands and agricultural and forests and environmentally sensitive areas." You don't see the word "restore" in the GMA, at least you didn't in the 1990 version. So there's one word, but those were the sorts of things that we were banging our heads on to try to get a law that would be as good as possible at protecting the environment and assuring that local governments made good land use planning decisions. Also there were some big picture things involved and it's certainly one of the big picture things that we were working on with the enforcement and we didn't get that in 1990. But whether there were other things that we did succeed in getting into the 1990 bill that we had worked hard to get—you know, frankly at this time I don't remember those specifics.

Diane: What did you think about the growth hearings boards initially? Did you think they were a strong enough enforcement mechanism?

David: Yeah. I like the concept of growth management hearings boards. I think you need to have an entity to review what's being done at the local level, because while the local folks are most in touch with the local issues, they are also extremely affected by the politics of the local level which are dominated by local and state economic interests, and it is very hard to have a level playing field there.

So having oversight is critical and, normally, if you didn't have the hearings boards, the courts would provide the oversight. And (a) the courts would be overwhelmed by the number of issues, and (b) they're not really well suited for it. Most judges know very little about land use and growth management issues. I think

everybody's well served by having the review be undertaken, at least initially, by people who have special expertise about growth management issues. They [judges] certainly are able to learn a new subject and they've got to learn everything from A to Z to be a judge, but it's nice to have the expertise available.

So I think the concept of the hearings boards is good. One difference between the initiative and the GMA was that we would have had all plans come to the hearings boards for review. Under the GMA, only those plans that are challenged by somebody come to the panels for review.

Diane: Has the process worked elsewhere?

David: Well, that's essentially the process that you have in Oregon. Oregon has a process where all the plans come to the state for review and the state approves them or sends them back for revision. That's also the way it works in this state on shoreline master programs. They come to the Department of Ecology for review.

Diane: Did WEC look at Oregon as a model?

David: We looked at Oregon as a model and I think we drew most heavily from Oregon and Florida. But there were a handful of other states that had growth management laws and we surveyed them all. We picked just a little bit—we reviewed them all, I can't remember if we picked something from all of them. But Oregon simply was a good model and Florida's also on the concurrency issues—transportation concurrency and transportation planning and concurrency generally—a lot of that was brought in from Florida. That was not in the Oregon law so we borrowed heavily from Florida for that.

Diane: How do you think Washington State would look different today if we'd passed I-547?

David: I'll give you one example close at hand. You wouldn't see Redmond Ridge devouring the plateau between Redmond and Duvall. That's a horrible abomination. It's a big black eye on our state's growth management, and it wouldn't be there.

Diane: Please describe Redmond Ridge.

David: Redmond Ridge is a mega-subdivision—it's like 5,000 homes—subdivision. It's like a whole city. It's got a population that rivals Issaquah. It's a huge chunk of urbanization in an area that we were trying to save for rural lifestyles.

It's on former forestlands, timberlands. It would be maintained as forestlands and lightly developed rural lands if 547 had been passed. Instead we got a watered-down version, which was watered-down even further in 1995 when the so-called "fully contained community" loophole language was added. And as a result you've got a huge development like that.

All around the state there are subdivisions and other projects that have been put in place because they claimed that they have vested rights under our state's development friendly vesting law. So anybody who's fought one of these projects—well, you can't really fight it because they'd already applied and they're vested; you go home, just give up. All those projects would be changed if 547 passed.

So I think in general, you would have seen a greener state. There'd be more trees left standing. You would see more compact development. You would see better protection of farmlands and streams and wildlife habitats. We also had another difference. We had a section trying to focus on special places in the state, places like the Nisqually Delta, the Methow Valley, some really cream of the crop places that we really wanted to try to get some protection for and we didn't accomplish that when 547 went down. You would have seen better protection for those places as well.

Diane: Isn't the environmental community working on protecting those special places in other ways?

David: Oh sure. We haven't given up on any of those issues—protecting trees and stopping sprawl—but we just would have had better tools to do that if 547 had passed.

Diane: Do you think congestion would look any different?

David: Maybe. A lot of that deals with funding of transportation systems and 547 would have dealt with that, partially, but not in the macro way that it really has to be addressed. A lot of the problems with our state's transportation systems right now are from the past; the die was cast before 1990. A lot of the low density, sprawling development that contributes to our traffic woes was in place before 1990. Now if we had had a GMA in 1970 . . . [laughter].

And that wasn't so far fetched. Oregon got its law about then and we almost did. At the time the state passed SEPA, we almost passed a land use law like Oregon. That was the first wave of environmental laws. When Dan Evans was Governor, a state land use bill that was considered at that time. SEPA got through, but the land use law did not. If we had adopted it then and from that earlier date confined urban sprawl—yeah, I think we would have very different transportation patterns today than we do. By 1990 the horse was out of the barn to a large extent, at least at one level.

I think if we're successful at holding the urban growth lines that are being developed under the GMA, I think a generation from now people will look back and say, "However bad transportation is, it could have been a lot worse." But frankly it's only been 15 years. Especially considering our vesting laws, that really means it's effectively about five or ten years since GMA's requirements have begun to have an effect. So much development was already in place then, so it's too soon to see the difference in that vein.

Diane: Who opposed the GMA and why did those groups oppose it?

David: Developers. Property rights advocates, but mainly the development community.

Diane: And in Eastern Washington?

David: In Eastern Washington, I think there was opposition that was, I would say inflamed, if you will. I think it was farmers who were led to believe they weren't going to be allowed to farm or some such thing. I think it was based on a fair amount of misinformation. It's certainly true that there were not the same growth management problems in all areas of the state. If you look at it on a map there were large areas of Eastern Washington that didn't have the problem. But when you zoomed in on the more heavily populated areas in Eastern Washington, around Spokane, around Walla Walla, around Wenatchee or Yakima, there were problems there. As a practicing land use lawyer I knew it because I was getting calls from neighborhood organizations and property owners who were concerned about subdivisions going in and farms being lost throughout those areas.

There was development in those areas that was being done heedlessly. So having a state mandate to those local governments to think about what they were doing before their cities had the same problems that we had on the west side—that was a good thing. The opposition there I think was taking advantage of portraying the initiative as sponsored by a group of Puget Sound urbanites who had no knowledge of Eastern Washington issues. And while it's true most of us were from Western Washington, we weren't exclusively, and we certainly were familiar with Eastern Washington issues. So while there were some Eastern Washington folks in the opposition, I think it was developers and property rights advocates in terms of those who were leading the opposition.

Diane: Who were your greatest allies in the Legislature?

David: Joe King was a very good ally. Maria Cantwell, Nancy Rust, I'm trying to remember who the six were—Jennifer Belcher, Mary Margaret [Haugen]—I'm leaving off a couple and I apologize.

Diane: Busse Nutley and...

David: Busse Nutley and, Who was the sixth? Ruth Fisher. I think most of them were strong allies. Nancy Rust might actually be an exception to that statement I made earlier. I think most of those people I just ticked off didn't get elected to the Legislature and didn't get involved in public life because they cared about growth management, but rather some other issue. But once they got involved in this issue, they did well by us, by and large.

Diane: So basically you're talking about the Steel Magnolias.

David: Right.

Diane: What are your most interesting memories about I-547?

David: I guess, I think the most interesting point was when our coalition met after the first part of the GMA was enacted in 1990 and we had to decide whether to run the initiative or not. Of course we had threatened all session that if they didn't pass something good enough that we would run the initiative. And I think, I'm not sure about this, but I think we had never been totally specific as to what exactly "good enough" would be. Maybe we were specific, but in any event the Legislature finally acted and then we had to make the decision whether to run the initiative or not. We had a meeting and there was a very long and heated discussion—it was a hard decision to make. Initially we decided not to run the initiative and then on a revote we decided to go ahead with the initiative. So it was a very close call. It wasn't just a debate about the contents of the initiative versus the law that had just been passed. We also had to consider a lot of other political and practical issues, like where would we get the resources for a campaign; who would be our allies; what were our prospects for free media and a bunch of questions like that. Well, and the big immediate question, Did we have enough time and people to collect the signatures?

Tape 1, Side 2

Diane: You were talking about the decision to go for I-547. So there was a vote that was taken—was it the Washington Environmental Council?

David: No, it was a coalition. It was more than just WEC.

Diane: Who were they?

David: I don't remember. It's probably Audubon Society, People for Puget Sound—if they existed yet, I think they were around by then—Washington State Sportsman's Council and others.

Diane: And what were the different sides of the issue there? Why did people push for it and why were people against running it?

David: I think it was a political pragmatism debate. There are a lot of things to consider. There was the substance about what the Legislature had passed versus what we wanted, but there was also how much money was it going to cost. Were we going to alienate our friends—like Joe King and others in the Legislature who had worked with us when we said what they did wasn't good enough? Would there be a backlash? If we failed would it make it more difficult to get a better law next year? There were all these considerations. Where would the money come from? Who would the staff be? Who would the campaign manager be? What were all the practicalities of it? I don't know, but perhaps we thought about how it would affect other elections that fall? As you can imagine there's a lot of room for debate there and a lot of very good discussion. As I said, in the end, it

was a very close call.

Diane: In terms of how the GMA is structured, what do you think are the most important parts of the law?

David: I think the urban growth designations are the most important part of the law. This includes the idea that within the urban growth areas compact urban growth is preferred and outside of it urban growth is prohibited. So we'll have true rural areas and protection of the resource lands beyond it. That landscape view, if you will, with the urban, rural and the resource lands. It's a three-part set-up and I think is really at the heart of it.

Of course, as I mentioned, having an enforcement mechanism to make sure that those plans and regulations really do that job is critical too. And then if I were going to tick off one other provision, it would be the critical area provision. Actually if you go all the way back and ask me what led to the act, one of the heated battles during the 1980s was protection of wetlands. There'd been a lot of fighting about protecting wetlands and we'd been unable to achieve at the state level a statewide system for protecting wetlands. And the Growth Management Act was seen as one of the important parts of protecting wetlands.

Now you've got me thinking about the precursors to this. We had been spending a lot of time on what was known as Timber Fish Wildlife, which was a negotiating process involving representatives of the timber industry, environmentalists, the tribes, and state agencies to try to develop a consensus package of new forest practices rules to better protect fish and wildlife.

Again, an important part of the GMA, especially in 547 and to a lesser extent in the law, is protection of the fish and wildlife habitat. So those critical areas protections are another important part of the act.

Diane: When you look out in the community can you see any successes of the GMA in municipalities and local governments?

David: Oh sure. One of the biggest successes I think you see is in the mindset and this is maybe the most heartening because if you get a change in the mindset then you don't have to worry about enforcement. There really is, in some communities, a recognition now of the need to accommodate more dense growth inside our cities.

I live over on Bainbridge Island and you see it there with these higher density cottage developments—and you see these all around the community now.

You see it in the mindset here in Seattle with greater density coming into the [Denny] Regrade and into other parts of the city. You see it with the TDR (Transfer of Development Rights) program between the city and the county where you actually are transferring development rights for rural areas of King County into the Seattle urban area.

And I could probably tick off a hundred others given enough time. These are really, I think, so often cited as this is in keeping with the GMA. People recognize, I think now more they ever have, that to protect the rural areas of the state we have to accept higher densities in urban areas and you need to make the higher density not just concrete blocks, but to develop our urban areas in ways that are pleasant and make people want to live there and enjoy living there. I think we're seeing a lot of that happen. Not nearly as much as we need to and it's being done on top of a whole lot of bad development that occurred decades in advance, so it's not predominant yet by any stretch, but you see more and more of it and that's very heartening.

Diane: And do you think the mindset has changed in local officials or planners or in the general public?

David: I think it's to a certain extent at all levels, but it's spotty. I can cite you some planners and electeds who are just as "head-in-the-sand" as many folks were 30 years ago and others that are much better. I guess what I

would say is the proportion has changed whereas in 1990 or 1985 it was one in 20 elected officials or planners who was thinking like this. We're probably up to five out of 20 which is—I'm not going to pretend like we're at a majority, but that's a five-fold increase and I think that's great and we still have a huge way to go.

There's a lot of folks out there in counties all across the state—and some right in the middle of the Central Puget Sound—that if they could, they'd throw the GMA out the door, and they would make as many decision as they could without regard to the GMA's goals and planning principles. It's not all good by any stretch.

Diane: How has the GMA evolved and what significant things has the GMA done to meet the goals it was intended to achieve?

David: I think it's interesting that we are slowly changing the consciousness, as we were just discussing, of the electeds and the general community about what needs to be done. While there's a rising level of public and political acceptance for GMA's core values, at the same time, it's been a declining path in terms of the actual law. The provisions of the law itself and the way it's being construed by the courts, and it's kind of unfortunate, but the GMA has been amended in virtually every session of the Legislature since the mid-1990s. And most of the amendments have been to weaken it in one way or another—some slightly, some more significantly. And the court decisions have not been all that favorable, especially the Supreme Court that we have right now—not at all favorably inclined to the act. So it's kind of ironic and sad that at the same time that I think we are slowly changing the consciousness of the region and the state as to what needs to be done and there's a greater and greater acceptance of GMA principles, that the state Legislature and the state Supreme Court are sort of in a time warp. They're still looking at it from ten or 15 or 20 years ago and are trying to whittle it away and not being very useful.

Diane: You've spoken to this a little bit in terms of density and UGAs, but how has the Growth Management Act changed land use patterns in the state?

David: I think you're slowly seeing a greater focus on development inside the urban areas and a greater resistance to suburban-level subdivisions out in rural areas and a greater level of protection for the forests and farms and a greater protection for critical areas. You're seeing all those things, it's just that it's spotty, it's not happening as much or as fast as we'd like it to happen. And it's happening as an overlay on a pattern of development that's etched in there from the prior 100 years. So you're not going to see those changes as vividly as if you were starting from a plain sheet of paper.

Diane: If another state wanted to adopt a growth management law, what advice would you give them?

David: To do it as soon as possible because time's your enemy and the more development you have that's undertaken without these principles in mind, the harder it's going to be to turn things around and have the kind of effects you want. Second, you need to create a strong consensus about basic planning goals. Determine what are you trying to achieve in terms of avoiding sprawl, providing good public facilities and services, protecting farmlands and critical areas, and things like that. And third, you need to create a strong state role in the program because at the local level, political and economic forces are strong and working against you. It's not that those forces don't work at the state level, too, it's just that it's a lot more practical to fight that fight once at the state level than to try and do it hundreds of times over in each county and city.

Diane: Do you have any additional comments?

David: We were in Europe for a couple weeks this summer and I'd been there a couple times before. And

I was struck again by the massive difference in how Europeans manage land and transportation and the way we do in the United States. Maybe it's just a value issue, but maybe it's not. Maybe it's a question of those societies placing greater emphasis on what's better for the common good. But you look at a continent that has a lot less space than we do and has therefore been under the gun, if you will, in terms of how to manage that space more than we have in this country. I guess because we felt we can always clearcut to the next ridgeline because there are more green spaces beyond.

But they've done such a superior job of managing land use, of developing compact urban forms that are well served by transportation systems. They are far more reliant on mass transit and bicycles—and they work because they're in compact spaces.

My children and I bicycled through Holland for three days and my three children, who are 13 years old, were ecstatic and able to perceive the difference in land use and the focus on nonmotorized transit—bicycling—and the train systems and the trams. You know, it's just such a vivid contrast. And it would be nice if we were able to bring a little bit more of that mentality here to our state and our region before we've covered every ridgeline in the state with another subdivision.

Diane: Thank you.